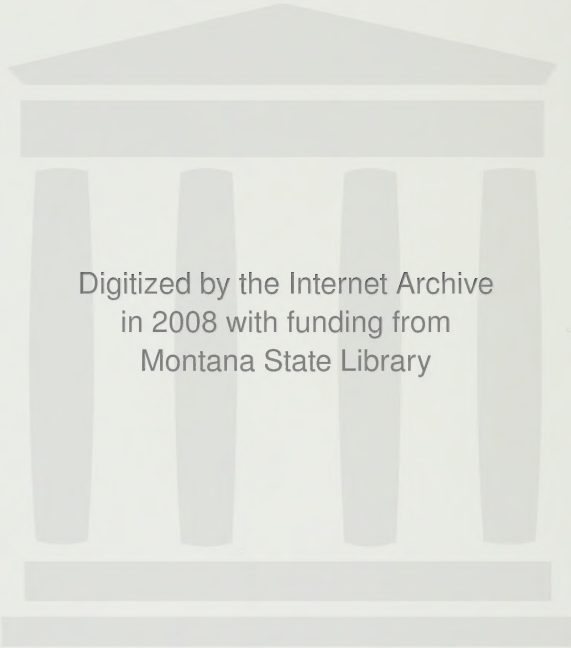


# Montana State Library

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SEPTEMBER 1996 HELENA, MONTANA VOL. X NO. 16

## CAPITOL RESTORATION

Restoration Finally Begins... Restoration of the Capitol building is finally beginning. Contracts have been awarded for the stone repair, window replacement, and the roof repairs. Ingram-Clevenger, Inc, Helena, was the successful bidder for the envelope repairs, while Miller/Shaw Roofing, Missoula, will be doing the roof repairs. Thus far the budgetary news is good, too. While the stone project has many unknowns and variables and will undoubtedly require extensive change orders, the base bid is approximately \$1M less than had been projected.

Workers will be on site beginning the week of August 19 to begin roof tear-off. The roof work is expected to be completed by the middle of October. The stone repair team will begin testing and color matching this fall, with the actual restoration work scheduled to begin in the spring. Window repair and replacement will proceed through the winter as weather allows.

CAG Meets in August... In the ongoing planning of the interior work, the Capitol Advisory Group (CAG) met in Helena on Tuesday, August 6 to give final input on the Capitol project programming document. Space utilization and project planning were discussed at length, with space utilization dominating most of the discussion.

The CAG voted to recommend that the Governor include the following enhancements to the restoration programming in the 1998-1999 Long Range Building request:

### CENTRAL PLANT ADDITION

\$ 275,000

This addition will allow for all mechanical equipment to be in the central plant rather than being placed on the Capitol lawn.

RESTROOMS	\$ 200,000
Add additional fixtures. Code requirement.	
STAIR TOWER EXIT	\$ 160,000
Add an interior stairwell in the east wing of the Capitol to provide for exiting from hearing rooms. Fire safety requirement.	
MODIFY 202 VAULT	\$ 160,000
This project would eliminate the old Secretary of State Vault, providing additional floor space for hearing and meeting rooms and allowing for the restoration of the windows in this area.	
HEARING ROOM UPGRADES	\$ 400,000
Upgrade existing and proposed hearing rooms to improve public access.	
EAST AND WEST WING SPACE UPGRADES	\$1,370,000
This proposal improves space utilization and allows for efficient design of the already approved mechanical and technology upgrades.	

## LEGISLATIVE FINANCE COMMITTEE

Committee to Meet in September...The Legislative Finance Committee (LFC) will meet on September 19 and 20 in Room 104 of the State Capitol. The LFC will meet jointly with the Revenue Oversight Committee on the morning of the 19th in Room 325 of the State Capitol to hear the biennial "Big Picture" report from Legislative Fiscal Division staff. Washington D.C. staff of the National Conference of State Legislatures will also present a report at that time on current federal budget actions.

Among the other scheduled topics for the LFC meeting are the general fund status report, an update on gas tax cash flow, updates from the executive branch on reorganization efforts, and updates on and resolution of several on-going committee issues.

## MONTANA SENTENCING COMMISSION

Sentencing Commission Meets...The Montana Sentencing Commission was established by the 54th Montana Legislature to study sentencing practices in Montana and to determine the advisability of proposing advisory sentencing guidelines to the 55th Legislature. The Commission is composed of four legislators and 12 other persons appointed by the governor to represent criminal justice interests. The Commission is staffed by personnel from the Department of Corrections and meets monthly in various locations around the state.

For more information regarding the work of the Commission and its meeting schedule, please contact Tammy Plubell (406)444-3910 or Stephanie Powell (406)444-9648 at the Department of Corrections.

## SUBCOMMITTEE ON THE FOREIGN INVESTMENT DEPOSITORY

To Hold Final Meeting...The final meeting of the Subcommittee on the Foreign Investment Depository is scheduled to begin at 1 p.m. in Room 437 in the State Capitol on September 11. The agenda calls for adjournment at 6 p.m., but allows for continuation of the meeting into the evening hours (following a dinner break) or in the morning of September 12 to accommodate public testimony. The main purpose of the meeting is to review the contents of the draft enabling legislation and to hear comments from representatives of state and federal agencies, the financial services sector, and other interested persons.

The draft bill was requested by the Subcommittee at its March 27-28 meeting. Since that time, staff has consulted with a number of state and federal officials, as well as with the members, and the resulting package of proposed legislation attempts to fulfill the following goals:

- Maximize individual financial privacy within parameters of federal law.
- Require chartered depository to provide prudent degree of asset protection to customers.
- Assure reasonable profitability for depository via allowable fees & favorable tax regime.

- Establish clear eligibility criteria for depositories and their customers.
- Minimize state liability and risk in arenas of negligence, fraud, and criminal abuses.
- Maximize economic benefits to Montana of foreign capital on deposit.
- Accommodate technological advances involving privacy, security, and costs of transactions.
- Deter criminal elements from using the depository as a vehicle for money laundering.
- Delineate and assign regulatory functions/responsibilities in a coherent, cost-effective way.
- Minimize federal involvement without forgoing essential benefits of oversight.
- Structure a functional relationship to platinum bullion and other tangible assets.
- Provide for methods of revenue assessment, collection, and distribution.
- Amend existing statutes to except, exempt, or include foreign capital depositories.

These and additional goals will serve as a tool by which to measure the substantive accuracy and completeness of the draft bill during the course of the September 11 meeting.

For further information about the meeting agenda and the draft legislation, please contact Stephen Maly at the Legislative Services Division, (406)444-3064.

## JUVENILE JUSTICE AND MENTAL HEALTH STUDY COMMISSION

Commission to Hold Final Meeting...The Juvenile Justice and Mental Health Study Commission will hold its seventh and final meeting in Helena



on September 9 and 10. The Commission will take its final action and adopt its findings and recommendations. Briefly, the tentative proposals are to:

- support the Department of Public Health and Human Services' proposal to increase chemical dependency funding for adolescents by \$200,000 each fiscal year of the 1999 biennium;
- recommend that the state provide long-term secure care for chronic severely emotionally disturbed youth;
- recommend that the state provide a continuum of care for treatment of youth who are adjudicated sex offenders, that Pine Hills School be considered a potential place for treatment within the continuum of care, when appropriate, and that the sex offender population be placed under a separate population cap in order to allow treatment to be completed;
- make a recommendation regarding a mental health treatment continuum of care;
- support an Office of Public Instruction proposal to allocate a small portion of the state's share of direct state aid to provide schools with resources to address conduct-disordered pupils in public school classrooms;
- recommend that special education funding and other education funding follow an out-of-district student and be allowed to be used for specific costs incurred by the district;
- recommend that school records, including the cumulative file and special education records, along with the original immunization records, be transferred to the receiving school within 5 days of request;
- make recommendations regarding schools and information sharing with state and county agencies through interagency agreements, use of existing teams, and computer databases;
- recommend judicial pilot projects for families involved in the Youth Court and other human services to provide a single point-of-entry; juvenile assessment centers; family assessment coordination teams; and court magistrates, special masters, or research assistants to assist district court judges;
- recommend that habitual truancy and ungovernability be treated as misdemeanor crimes in justice, municipal, and city courts with concurrent jurisdiction with Youth Court;

- recommend the elimination of the "youth in need of supervision" designation, the removal of status offenders (truancy, ungovernability) from the Youth Court Act, the provision for a single petition for delinquent youth, and increased penalties for violation of formal consent decrees;
- recommend that the county attorney be allowed to file for leave to file information directly in District Court for serious offenses;
- recommend limiting the use of an informal consent adjustment and a formal consent decree for the equivalent of a single felony for each;
- recommend increasing the time for short-term detention from 96 hours to 10 working days;
- recommend that detention be allowed for formal consent decrees up to 10 days and informal consent adjustments up to 3 days; and
- make recommendations on other detention alternatives, detention reimbursement, and Youth Court funding.

A more detailed summary of the proposals will mailed to those on the interested persons list prior to the meeting.

On September 9, the Commission will meet with students and with Hunter Hurst III of the National Center for Juvenile Justice. The public hearing on the proposals will be at 3 p.m. in Room 437.

On September 10, the Commission will discuss and take executive action on the findings and proposals. The final recommendations will be presented to the 55th Legislature in a final report that will be available in November 1996 and in bill draft form.

For more information, please contact Susan Fox at the Legislative Services Division, (406)444-3064.

## SUBCOMMITTEE ON VETERANS' NEEDS

Subcommittee Holds Final Meeting...The final meeting of the Subcommittee on Veterans' Needs was held on August 6 in Helena. The Subcommittee approved the following recommendations:



- legislation for a site selection process for an eastern Montana State Veteran's Cemetery with a \$10,000 general fund appropriation;
- legislation for a National Guard scholarship program with a \$1.14 million general fund appropriation;
- legislation to allow the Board of Regents to adopt a tuition waiver for survivors of a Guard member killed while on state active duty;
- a letter of support to the Governor for a Department of Public Health and Human Services' subsidy of \$268,640 from cigarette tax revenue for the Eastern Montana Veteran's Home to assist veterans who pay for their own care;
- a letter to all department directors stating concerns that veterans' preference is not being utilized and encouraging the use of a scored procedure in hiring in order that the veterans' preference may be applied;
- legislation for continuation of the Subcommittee on Veterans' Needs with an appropriation of \$10,000 of cigarette tax revenue; and
- a request for further information on veterans' ability to have license plates for the disabled; clearer designation of the branch of the armed forces on the license plates; and a proposal to utilize the old Anaconda hospital for veterans' nursing home beds.

For copies of the proposed legislation or for more information contact Susan Fox at the Legislative services Division, (406)444-3064.

## LEGISLATIVE SERVICES DIVISION

Bill Drafting Subcommittee Meets...The Bill Drafting Process Subcommittee, composed of members of the Legislative Council, the Environmental Quality Council, the Legislative Audit Committee, and the Legislative Finance Committee, met on August 15 in Helena. The Subcommittee considered the ramifications of Judge Honzel's decision allowing public access to bill drafting documents in the possession of legislative staff. Judge Honzel held that the public is entitled to inspect all documents in the possession of staff at any stage of the drafting

process. The Subcommittee is recommending a new process in order to allow the legislator requesting a bill to ensure accuracy and to prevent lobbyists and other special interest groups from unduly influencing the bill drafting process. A legislator would still be able to follow the existing drafting process by submitting a request to the staff to prepare a draft.

Subcommittee Proposes Bill Drafting Changes...The Subcommittee is recommending two categories of bill draft requests: staff drafts and legislator drafts. The Subcommittee recommends a general bill draft request deadline of the 10th legislative day. A legislator may submit a request to the Legislative Services Division as a staff draft, and the process will continue as in prior legislative sessions. A legislator could also request a bill as a "legislator draft". The request would be recorded as a "legislator draft". The legislator would then be required to submit a draft bill and a diskette containing the draft bill to the Legislative Services Division. The "legislator draft" would be required to conform to the provisions of the 1996 edition of the Bill Drafting Manual. The "legislator draft" would be available to the public upon submission to the Legislative Services Division. A "legislator draft" submitted to the Legislative Services Division would receive priority over all other drafts. The Legislative Services Division would submit the "legislator draft" to the Division's normal process with priority at each step. If the "legislator draft" is not submitted to the Legislative Services Division by the 20th legislative day, the drafting request will be canceled. Processing by the Legislative Services Division will allow engrossing and enrolling to occur and will allow the public electronic access to the bill in the same manner as all other bills. The 20th legislative day deadline will allow greater ability to schedule hearings on sensitive bills and will allow more timely public analysis of controversial bills prior to the transmittal deadline.

The Bill Drafting Process Subcommittee also recommends that any bill drafting request that is in a "hold" status on or after the 10th legislative day lose the LC number priority normally assigned to the request. If the "hold" status is removed, the draft request would have the priority that it occupies at the time that the "hold" is removed.

The Bill Drafting Process Subcommittee's recommendations will be submitted to the Legislative Council at the Council's September meeting.

## 1997 LEGISLATIVE SESSION

Telephone Number Changes...Anyone who may be distributing information concerning the upcoming legislative session should note that the phone numbers listed for "Legislative Information" and "Legislative Messaging" on page 28 of the 1996 Montana State Government Telephone Directory are incorrect. Instead of the 900 numbers that are listed, the numbers for both Information and Messaging should be **444-4800**. The numbers listed for the "Telephone Device for the Deaf" (800

-832-0283) and the FAX number for the Information Office (900-225-1600) are correct.

## ENVIRONMENTAL QUALITY COUNCIL

EQC to Meet in Lincoln...The EQC will meet in Lincoln on Friday, September 13. The Council will be touring a number of sites around the Lincoln area, including the proposed McDonald Gold Project site, the Mike-Horse Mine, and the Blackfoot River.

Compliance and Enforcement Subcommittee to Complete Recommendations...The Compliance and Enforcement Subcommittee met on August 16 to hear additional information on a number of study issues and to begin the process of drafting initial study recommendations. The Subcommittee's next scheduled meeting is Thursday, September 12 in Room 108 of the State Capitol. At that time the Subcommittee will complete a draft of its study findings and recommendations.

MEPA Subcommittee to Meet in September...The MEPA Subcommittee will meet on Thursday, September 12 from 1 p.m. to 5 p.m. in Room 312-3 of the State Capitol. The Subcommittee will draft its recommendations to the full EQC on the state agency guidelines for Senate Bill 231 that integrates regulatory impact analysis on private property rights into MEPA's environmental review analysis.

Indicators Subcommittee Continues Its Work...The Montana Environmental Indicators Subcommittee has not yet scheduled its next meeting. The Montana Environmental Indicator publication and distribution date is October 31. The Subcommittee is in the process of reviewing the indicator graphics and narratives.

Resource Indemnity Trust (RIT) Subcommittee to Meet in September...The Legislative Finance Committee (LFC) and the EQC have jointly formed a four-person RIT Subcommittee to provide recommendations on what the state should do about potential imbalances between revenue to and expenditures from the various funds that receive RIT interest and tax proceeds. The LFC and EQC appointed Representatives Ed Grady, Bob Raney, Bill Ryan, and Senator Lorents Grosfield to the RIT Subcommittee. The RIT Subcommittee met on May 20 and on June 28. Discussions during these meetings focused on categorizing the uses of RIT, RIT account structure, and earmarked revenues. The Subcommittee concluded that it needed to analyze the information presented, and it also needed some additional information on the legislative history and intent of the use of RIT interest and proceed funds. EQC staff provided an extensive report on the legislative history of the RIT to the Subcommittee

at its June 28 meeting. The RIT Subcommittee will meet on Wednesday, September 18 in Room 104 of the State Capitol.

Environmental Self Audit Working Group Drafting Legislation...As a part of the HJR 10 Compliance and Enforcement study, an EQC working group has been evaluating the merits of providing incentives for individuals and businesses to perform environmental self auditing. This group has met four times and is currently producing draft legislation. The working group's next meeting has not yet been scheduled.

## LEGISLATIVE COUNCIL

Council to Meet in September...The Legislative Council will meet September 12 and 13. Among the items tentatively on the agenda are:

- consideration of final recommendations on SJR 4 regarding committee minutes;
- review and adoption of a Code of Conduct for legislative staff. This is a personnel policy for Council adoption and Finance and Audit Committee concurrence.
- discussion of a visit by the new director of the Western Office of the Council of State Governments who wants to present the current CSG West program;
- a report from the Land Board in response to a Council request regarding land disposition guidelines;
- review and approval of the Legislative Branch Computer Systems Plan, approved by the Planning Council on August 20;
- review and approval of Classification and Pay Plan -- implementation plan following NCSL recommendations;
- review and approval of the Legislative Services budget proposal, incorporating the revisions approved at the June 14 meeting;
- reports and approval of action recommendations of the various Council subcommittees;
- review and approval of Council rules' changes as discussed on June 14;

- setting of fees for proceedings of the legislative session; and
- review of preparations for legislative intern program, including reviewing rules governing the program.

The Council will also conduct other administrative business, including executive director review and taking the group photo for the biennium.

Council Subcommittees Continue Their Work...The Council currently has four subcommittees working on various issues of importance to the legislative process. These Subcommittees will report to the full Council at the September meeting.

- Personnel Subcommittee: Composed of members from the Council, the Audit Committee, and the Finance Committee. Responsible for the classification and pay plan and NCSL recommendations beyond the pay plan. Council members of the Subcommittee have the executive director evaluation project. Council members are Sen. Brown, Chair.; Rep. Menahan; Rep. Peck; and Sen. Halligan.
- Legislative Improvement and Council Mission Subcommittee: Working on whole legislative improvement agenda, including proposed rule changes and the draft mission statements. Also looking at proposing revisions to the session master schedule and may consider other matters for early session orientation meetings and so on. Members are Rep. Mercer, Chair; Sen. Halligan; Sen. Crippen; and Rep. Larson.
- Interstate and International Cooperation Subcommittee: Considering in depth the interstate and international opportunities and obligations of the Legislature and recommending what, if any, budgets should be supported in addition to assisting in the hosting of delegations. Members are Rep. Peck, Chair; Sen. Brown; and Sen. Lynch.
- Bill Drafting Subcommittee: Reviewing rules related to how bills are drafted to allow outside drafting and reviewing policies for access to bill drafting information. Sen. Grosfield is Chair. Council members are Rep. Mercer and Rep. Larson.



## OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES

Committee Holds Sixth Meeting...The Oversight Committee on Children and Families conducted its sixth of seven scheduled interim meetings on July 24 and 25. The Committee took action on several options related to child care, substance abuse prevention, and teenage pregnancy prevention. Additionally, the Committee participated in a roundtable discussion on information management systems, specifically TEAMS, MACCS, CAPS, and SEARCHES. Department of Public Health and Human Services staff presented information on the MIAMI (Montana Initiative for the Abatement of Mortality in Infants), Follow Me, and the problem of fetal alcohol syndrome.

The following is a summary of the specific action taken by the Committee during that meeting.

### CHILD CARE

Incentives for employers: The Committee voted to support an information campaign to inform employers about current tax benefits for employer-provided child care and about the benefits of high quality child care for the children of employees. Additionally, staff will explore ways (other than tax credits or deductions) to give employers incentives to support quality child care for employees.

Training for child care providers: The Committee endorsed the Governor's Child Care Advisory Council's recommendation that a minimum of 8 hours of training annually be required for all licensed day care center, group home day care, and family home day care providers. This requirement would be established by administrative rule of the Department of Public Health and Human Services. The current administrative rule requires that only day care center providers must receive 8 hours of training annually. Group and family home day care providers are required to receive 8 hours of orientation training when initially getting started but have no annual training requirement.

The Committee will urge the ICC (Interagency Coordinating Council on Prevention) to develop recommendations on how training for child care providers may be funded through existing grant or loan programs. The Committee will ask that these recommendations be included with the unified budget to be presented to the Legislature, the Committee, and the Governor by September 1, 1996. By consensus, the Committee also directed staff to develop a preliminary bill draft providing for a grant or loan program for child care provider training.

Recommendations of Governor's Child Care Advisory Council: The Committee will sponsor legislation recommended by the Governor's Child Care Advisory Council to expand jurisdiction for the enforcement of child care statutes to Justice of the Peace and Municipal Courts in addition to District Courts.

Assisting child care providers: The Committee voted in favor of considering a bill draft to provide start-up money for before- and after-school programs for school-aged children. Staff was directed to draft a bill encompassing a grant, direct loan, and/or loan guarantee program to assist child care providers to establish or improve day care centers or homes. The legislation would also encompass previous committee action to provide funding for before- and after-school programs as well as funding for provider training.

#### TEENAGE PREGNANCY

Statewide conference: The Committee voted to recommend to the Governor through a Committee letter that the Governor call a statewide conference on teenage pregnancy and that the conference be conducted sometime in 1997. The conference would be to support a statewide dialogue on how best to prevent teen pregnancy and unintended pregnancy and to initiate a community planning process to enable community initiatives. Conference participants would be representative of all interests and perspectives from all across Montana. Additionally, selected members of the Oversight Committee on Children and Families would, if requested, work on the steering committee to organize the conference.

Family planning media campaign: The Committee voted to support the current information campaign aimed at teens and designed to prevent teenage pregnancies. The Committee will recommend that the campaign make the following adjustments: (1) include more messages targeting teenage males as well as adult males, (2) include more messages that do not assume that a youth is sexually active but that recognize that a youth may be undecided, and (3) include more messages that reinforce abstinence.

#### ADOLESCENT SUBSTANCE ABUSE PREVENTION

The Committee voted to continue oversight and evaluation of the ICC pilot project, which supports one community-based primary prevention project. The pilot project is to plan and implement a comprehensive system of preventative service to children and their families who are at risk for family violence, juvenile delinquency, substance abuse, behavioral disorders, and school failure. The pilot project grant was awarded to Missoula. The project is funded by \$60,000 each year for three years, though funding after the first year is not guaranteed. The grant requires a 20% hard cash match. As stated in the RFP,

one of the primary purposes of the project is to document what works and to disseminate that information in a manner that is meaningful to communities and replicable throughout the state.

Staff was directed to explore legislative options for making it illegal to sell "make believe" drugs or legal chemicals that can be used as drugs.

#### ICC ACTIVITIES

The Committee voted to sponsor legislation adding to the ICC's duties and responsibilities the development, maintenance, and implementation of benchmarks for state prevention programs. The Committee voted to sponsor legislation that will add the Director of the Department of Corrections to the membership of the ICC.

#### FUTURE INTERIM STUDY TOPICS

The Committee will recommend that the next Oversight Committee on Children and Families study issues related to aging in Montana. The study would identify what services are available, how well these services are meeting the needs of the aging, and the issues families have that are associated with having aging family members.

To Hold Final Meeting in September...The Committee will continue to develop and adopt final recommendations at its next and final meeting, which will be conducted on Monday, September 16 in Room 437 of the State Capitol beginning at 8 a.m.

Additional issues to be discussed and potentially acted upon during the September 16 meeting include the following:

- how to promote a systematic, outcome-based evaluation of programs serving children and families;
- FAIM welfare reform issues and implementation;
- child custody and visitation issues being addressed by the Montana State Bar Association; and
- the unified budget for prevention programs, which HB 2 required to be developed by the ICC and presented to the Committee and to the 1997 Legislature as part of the Executive Budget document.

The Committee will also be updated on the activities of the Governor's newly formed Council on Families and the final recommendations of the Juvenile Justice and Mental Health Study Commission.

For additional information, please contact Sheri Heffelfinger at the Legislative Services Division, (406)444-3064.

## COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS

Committee Takes Some Preliminary Action...The Committee on Public Employee Retirement Systems met August 14 and 15 to consider staff analysis and take preliminary action on several of the 23 retirement proposals submitted for Committee review.

The following proposals, listed by the proposal number assigned on June 10 received an initial public hearing at the meeting:

- #4      The Public Employee Retirement Board housekeeping bill.
- #6      Providing members of the Teachers' Retirement System (TRS) who have been retired at least 5 years with a biennial postretirement increase equal to tax revenues from retirement income combined with the current postretirement increase from investment earnings above 8%. The biennial postretirement increase would total about 1.3% and would be capped at the CPI.
- #7      The Teachers' Retirement Board housekeeping bill.
- #19     Proposal forwarded by Mr. Brian McCullough to encourage the Public Employee Retirement Division to continue to disseminate to PERS members information about legislation that may affect PERS.
- #20     A proposal forwarded by Rep. Kasten to allow a 1% employer contribution to an employee's deferred compensation plan.
- #21     Consideration of converting the public retirement plans from defined benefit to defined contribution plans.
- #22     A proposal to extend the sunset provision on the Committee.

The Committee took action on the following proposals, which received a public hearing on June 10:

Proposal #2: The Committee voted to recommend a DO PASS on the Public Employee Retirement Board's bill to amend the funding of the Judges' Retirement System (JRS). This proposal will provide that District and Supreme Court fees previously used to fund JRS will be deposited to the state general fund and that the state general fund will directly fund the JRS. This will address the under-funding issue

of JRS, which prevented JRS from being certified as actuarially sound because court fees have been consistently insufficient to fund JRS. This proposal does not change any court fee amounts. Citing differences with the Board's actuarial information showing that JRS was under funded, the Supreme Court Administrator's Office and the District Judges' Association through District Judge Ed McLean went on record as opposing the proposal.

Proposal #3: The Committee voted to recommend a DO PASS on the Public Employee Retirement Board's proposal to actuarially fund the minimum benefits provided in the Municipal Police Officers' Retirement System and the Firefighters' Retirement System. Currently, these benefits are paid by a reimbursement through the State Auditor's Office from insurance premium tax money. Under this proposal, the premium tax money will be advanced (instead of reimbursed) to the retirement systems so that the minimum benefits can be prefunded in an actuarial manner.

Proposal #16: The Committee voted to recommend a DO PASS on a proposal to reduce the vesting requirement in the Municipal Police Officers' Retirement System from 10 years to 5 years. The Committee also requested additional information from staff about the vesting provisions in the other retirement systems and the costs and options for a similar vesting reduction in other systems with vesting periods longer than 5 years.

Proposal #17: The Committee voted to recommend a DO PASS on the proposal forwarded by the Montana Education Association to require that, of two appointees to the Teachers' Retirement Board who must be certified teachers, at least one must be actively teaching in a classroom.

Committee Postpones Action...The Committee postponed action on the following proposals pending additional information and analysis:

- #1      The 1.5% GABA --guaranteed annual benefit adjustment-- which provides that, in combination with existing postretirement adjustments, after three years retirees in all systems except the TRS and ORP, will receive at least a 1.5% increase in their retirement benefit. The total postretirement adjustment will be capped at the CPI. Eighty-five percent of the cost of the GABA is to be paid by exchanging existing benefits for the guaranteed adjustment. Employer and employee contributions will also be raised over four years, with the state general fund paying the increase for local government employers. The total biennial cost to



the state general fund is estimated to be about \$250,000.

- #5 Expanding the Game Wardens' Retirement System into a "State Law Enforcement Retirement System" for state employees with law enforcement/safety responsibilities.
- #8 The University System is proposing that classified general university employees under PERS join the University System's Optional Retirement Plan (ORP), which is a defined contribution plan currently covering only faculty members. Current PERS members would be allowed the option of staying in PERS, but future employees would have to join the ORP. The Committee heard testimony from university employees and from representatives of TIAA-CREF, the corporation currently managing the ORP and ORP member investments.
- #9 The Public Pension Security Coalition's proposal for a permanent 2.5% increase in all benefits paid to public employees as a "make whole" provision to address the state taxation of state retirement benefits.
- #10 Amending the minimum benefit in MPORS to provide that any officer who retired at the rank of Sgt. or above would receive no less than  $\frac{1}{2}$  of a current Sgt.'s pay.
- #11 An ad hoc benefit increase for FURS retirees.
- #13 To increase retirement benefit under FURS from 2% per year of service to 2.5% per year of service; amend formula to be based on final average salary instead of final monthly compensation.
- #14 To increase the benefit formula in SRS from 2.0834% per year of service to 2.5% per year of service for all years.
- #15 To amend reinstatement provisions for SRS members who have been removed from medical retirement status. This proposal will be combined with #4, the PERB general housekeeping bill.
- #18 To provide that laid off state employees are allowed the option of benefits from the Employee Protection Act or the three years of retirement credit purchased by employer as were provided under 1995 legislation and to provide a delay (until FY99) in the GABA's provision increasing the cost of purchasing 1 year of service for each 5 years of active membership service.

To Meet Again in November...The Committee set its next meeting date for November 7 and 8. The actuarial valuations of the retirement systems will not be complete until October 1, and the retirement boards and staff need time to review the information. The November meeting will be conducted in Room 104 of the State Capitol and will begin at 8 a.m.

Committee May Meet in October...The Committee is considering a late October meeting, which would be an educational seminar for Committee members and other interested persons. The seminar would be conducted by Mr. Leon LaBrecque, a consultant from Educational Technologies, and would focus on the issues of defined benefit and defined contribution plans, benefit portability, investment choices, the experiences of other states, and other matters of interest to the Committee and significant to its consideration of proposals, such as placing university employees under the ORP, converting to a defined contribution plan, privatization issues, and workforce mobility.

For more information, please contact Sheri Heffelfinger at the Legislative Services Division, (406)444-3064.

## COMMITTEE ON INDIAN AFFAIRS

To Meet in September...The Committee on Indian Affairs will meet on Friday, September 13 in Room 437 in the State Capitol. The meeting will begin at 9:30 a.m. The Committee will meet the new Coordinator of Indian Affairs, Wyman McDonald, at that time. In addition, the Committee will hear reports from staff on the results of the surveys sent to the institutions of higher education in the state and to a random sample of public schools and school districts in the state. Staff will also report on the results of the various public hearings that the Committee held on SJR 11. The Committee will then begin to formulate its recommendations to the 1997 Legislature.

For further information about the meeting, please contact Connie Erickson at the Legislative Services Division, (406)444-3064.

## THE BACK PAGE

Loosely translated, its scientific name means "lumpy head". This could describe the amorphous, amoeba-like form it takes once inside a rainbow trout, or the disfiguring characteristics of an infected host's cranium. Either way, *Myxobolus cerebralis* (*M. cerebralis*), or the whirling disease parasite spore, is wreaking havoc in some of Montana's most prolific trout fisheries. The whirling disease parasite, which assumes various configurations during its bizarre life cycle, is the prime suspect among fishery biologists for the 90% decline in the Madison River rainbow trout population - from 3,300 fish per mile to only 300 fish per mile between 1991 and 1994. While other bodies of water in Montana have not seen fish populations decline as dramatically as the Madison, the parasite has been located at 28 sites, mostly in the southwestern corner of the state.

This month's "The Back Page" discusses the phenomenon of whirling disease and the approaches being taken to control the parasite before it destroys the trout population on Montana's blue ribbon trout streams.

### A WHIRLING DERVISH IN MONTANA

by Leanne Kurtz, Research Analyst  
Legislative Services Division

#### LIFE CYCLE OF THE PARASITE AND ITS EFFECTS ON FISH

Inside the gut of a river-bottom-dwelling tubifex worm, whirling disease parasite spores are undergoing a conversion into *Triactinomyxon*, the form of the whirling disease organism expelled by the worm during its digestive process. As it floats freely through the water in search of a host, *Triactinomyxon* is particularly fragile and vulnerable, able to survive only 3-4 days on its own. Once attached to a fish's mucous cells, however, the invader moves rapidly through its victim's central nervous system, coming to rest in a young fish's cartilage where, some scientists believe, it begins to dine. As the young fish's degrading cartilage turns to bone, the parasite becomes entombed in the bone as millions of inert spores until the fish dies or is eaten by a predator. At this point, the spores are released into the environment (generally back into the river bottom), where studies have shown they can survive up to 30 years, until they are once again consumed by tubifex worms, thus launching the parasites on their fantastic journeys. The clamshell-like casing surrounding the *M. cerebralis* spore protects it from freezing, desiccation, crushing, extreme heat, and myriad other elements that few viable organisms could survive. In the tubifex worm's gut, the spore reacts with an enzyme to coax open the titanium-tough shell.

The characteristic whirling disease behavior and disfigurements result either from inflamed cartilage turning to deformed bone or the host's immune system's response to the foreign assailant. A rainbow trout's immune system dispatches cells to the infected area (usually the head) to combat the parasite. The cells may crowd tissues and pinch the nerves that control the fish's equilibrium, causing it to chase its tail. Researchers believe that this whirling behavior makes the fish more vulnerable to predation and interferes with its ability to feed.

While whirling disease takes its name from this behavior, researchers do not often witness it, since infected fish chase their tails only sporadically, like an electrical short makes lights flicker. Other, more commonly observed symptoms of the affliction include sunken foreheads, misshapen heads, and black tails, caused by irritation of pigment-controlling nerves.

### PREVALENCE OF WHIRLING DISEASE

Whirling disease parasite spores arrived in America in the 1950s on a Danish boat carrying frozen fish. The inert spores withstood the freezing and subsequent grinding of the frozen trout to feed Pennsylvania hatchery fish. The hatchery fish became infected and the disease began its creep westward through transport of fish and stocking. Today, the disease is reported all over the country, and thanks to the spores' remarkable fortitude, is proving to be a stubborn adversary.

While the ever-popular Madison River appears to have been hardest-hit by *M. cerebralis*, scientists have identified the disease in over 100 different locations on 28 different bodies of water in Montana, including the Ruby River, Poindexter Slough, the Jefferson River, the Clark Fork River, and the Swan River. In July, the Montana Department of Fish, Wildlife and Parks (FWP) announced, to the dismay of anglers and biologists alike, that a yearling rainbow trout taken from a stretch of the Missouri River between Wolf Creek Bridge and Craig had tested positive for whirling disease.

### GOVERNMENT RESPONSE

Spread of whirling disease among Montana's watersheds has spawned a number of organizations to research the insidious organism, and funds to combat the disease are coming from the federal government at the behest of both Democrats and Republicans. Senator Max Baucus asked the U.S. Fish and Wildlife Service to allocate \$175,000 for the construction of a research facility at Montana State University, scheduled for completion in September. Senator Conrad Burns will be seeking \$900,000 from the next federal budget to fund research at the Bozeman lab.

Governor Marc Racicot's whirling disease task force, created by Executive Order in May of 1995, and the Whirling Disease Foundation in Bozeman are two more formidable partners on the front lines of Montana's crusade. Last June, the task force released a report summarizing research findings, emphasizing that whirling disease is a priority problem, and providing action plans to slow the epidemic.

### APPROACHES TO CONTROL THE PARASITE

In its report, the task force asserted that "whirling disease is currently the most significant threat to wild, native and nonnative naturally reproducing trout populations in Montana". The task force also considers the disease to be a "significant threat to the Montana state, federal, tribal and private hatchery systems". The report recommended that efforts to control whirling disease focus on ways the disease is spread in the wild and the characteristics of survivors, rather than methods to directly attack the parasitic organism. The state of Utah attempted to rid its Fremont River drainage of the disease by simply poisoning the entire trout population every year from 1991 to 1994. In spite of Utah's draconian measures, whirling disease has managed to spread to other drainages in the state.

"A strategic solution to the problem," Montana's task force concluded, "will need to reduce the impacts of the disease, probably with the understanding that it is a disease which cannot be eliminated from our state's waters." Brown trout and some rainbow trout survive infection with few obvious symptoms, and some fish in whirling disease-infested streams seem to completely avoid infection. The task force believes that a primary research strategy should be to study naturally resistant strains and species of trout, identifying techniques to maintain and enhance these populations. Stocking streams and rivers with naturally resistant fish from other rivers in Montana, or even from other states and countries is not outside the realm of possibility. This last-ditch option remains on the back burner, however, while biologists concentrate on restoring fish populations to pre-whirling disease numbers.

Funding research, evaluating fishery management policies, and educating the public comprise the task force's three-pronged approach to stemming further expansion of the whirling disease parasite.

#### 1. Research

Much remains unknown about whirling disease, the extent of infestation, and the distribution of the tubifex worm. While rainbow trout populations in the Madison River have dramatically declined as a result of the parasite, researchers do not yet know how this translates to other rivers



in the state and other species of fish. Variables such as genetics, specific river environments, and fish behavior all must be considered. The task force appointed a science subcommittee to identify research needs and recommend action. The subcommittee pinpointed five general research needs and associated actions. These needs and actions are summarized in the table below.

NEED	ACTION
Determine scope of whirling disease in Montana.	Continue to identify sites with infected fish and track severity of infection; investigate distribution of tubifex worms.
Identify susceptible species of Montana fish.	Conduct research activities in a wild trout laboratory; expand field studies to include additional sites; study brown trout, grayling, cutthroat, whitefish, and Kokanee salmon; evaluate impacts of disease on fish populations other than Madison River.
Study natural resistance to disease.	Through field studies and laboratory research, identify species that are biologically resistant and study behavior factors that may impact resistance.
Examine tubifex worm and its role in parasite's life cycle.	Compare habitat, genetic characteristics, and density of tubifex worms in infected and uninfected streams.
Pursue "dual-track" scientific effort.	Follow through on five specific study proposals the task force has received and endorsed; construct self-contained laboratory dedicated to wild trout health issues.

The science subcommittee and the task force, in conjunction with Montana State University, the Department of Fish, Wildlife and Parks, and

private foundations have already begun to address many of these issues, and, as mentioned earlier, construction of the laboratory is well underway.

## **2. Fishery Management**

The task force recommended in its report that "fisheries management should emphasize learning so that incrementally more informed management decisions may be made as time passes." The following three management goals are identified in the report:

1. Conserve surviving wild trout populations in infected waters.
2. Control the spread of whirling disease.
3. Minimize impacts of the disease on recreational fishing opportunities.

These goals are listed with the caveat that despite Montana's best efforts at control, the disease will likely spread to every watershed in the state with trout and tubifex worms. In spite of this dour prediction, the task force asserts that slowing the proliferation of the parasite will enable scientists to develop long-term solutions and methods of living with whirling disease.

## **3. Education**

The task force charged FWP with the primary responsibility of public education and information dissemination, a critical link in controlling the spread of whirling disease, as humans have been identified as one of the parasite's vectors. *M. cerebralis* can cling to boats, anchors, axles, and waders, and the spore will survive for decades in dry mud. The common practices (now prohibited) of dumping fish guts in the water and using sculpins as bait release even more spores and provide the parasite with a free ride downriver.

Effective communication will also help preserve Montana's reputation as a superior fishing destination and prevent significant loss of tourism dollars associated with a belief among anglers that fishing in Montana is forever ruined. The task force stressed that while whirling disease is a serious threat that must be addressed, the public should be informed that "the sky is not falling".

## LEGISLATIVE PROPOSALS

In light of the discovery of whirling disease in Montana, the 1995 Legislature adopted measures to better regulate private fish ponds and the transportation of live fish. FWP plans to approach the 1997 Legislature with at least three additional proposals intended to help control the spread of whirling disease:

1. FWP will request authorization for an FTE to satisfy some of the research needs outlined in the task force's report.
2. Currently, whirling disease has not been identified in any of Montana's fish hatcheries. Open springs feed two of these hatcheries - Big Spring near Lewistown and Giant Springs in Great Falls - and tubifex worms thrive in both springs. FWP plans to request \$3 million to modify the hatcheries, change the water sources, and maintain the hatcheries' disease-free status.
3. FWP is currently reviewing its private fish pond licensing program. The Department has licensed over 400 private ponds in the last two years, and statutes may need to be revised to reflect the latest research into the relationship between these ponds and whirling disease.

## CONCLUSION

A microscopic drama is played out every day in Montana's rivers and streams. Resembling scenes from a bad science fiction movie, *Triactinomyxon* spores invade the vulnerable bodies of young trout and eat away at developing bones. The results of this unwelcome assault are disfigurement, black tails, malformation of the spine, and impaired equilibrium. A fish unable to swim straight will not be able to escape its predators, nor will it be able to effectively feed. Fish that are able to control equilibrium may merely succumb to the stress of fighting serious infection.

Efforts to control the disease are focusing not on eliminating *M. cerebralis* (although nobody would complain if the pest simply disappeared from the face of the earth), but rather on identifying and studying strains of fish that successfully resist infection or avoid the ill effects of infection. Researchers seem resigned to the fact that the whirling disease parasite is here to stay, but hope, through aggressive research and public education, that it does not decimate Montana's revered wild trout populations.



## INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED,  
ALL ROOM DESIGNATIONS ARE IN THE CAPITOL.

### SEPTEMBER

September 2, Labor Day, holiday

September 9, Postsecondary Education Policy and Budget Committee,  
Room 104, 9 a.m.

September 9 and 10, Juvenile Justice and Mental Health Study  
Commission, Room 437

September 11 and 12, Subcommittee on the Foreign Investment  
Depository, Room 437

September 12, Legislative Audit Committee

September 12, EQC Compliance and Enforcement Subcommittee, Room  
108

September 12, EQC MEPA Subcommittee, Room 312-3, 1 p.m.

September 12 and 13, Legislative Council, Room 104

September 13, Environmental Quality Council, Lincoln

September 13, Committee on Indian Affairs, Room 437, 9:30 a.m.

September 16, Oversight Committee on Children and Families, Room  
437, 8 a.m.

September 18, LFC/EQC Subcommittee on the Resource Indemnity  
Trust, Room 104

September 19, Joint Legislative Finance Committee/Revenue Oversight  
Committee, Room 325, 9 a.m.

September 19, Legislative Finance Committee, Room 104, 1 p.m.

September 20, Legislative Finance Committee, Room 104, 8 a.m.

September 19 and 20, Revenue Oversight Committee, Room 108

### **OCTOBER**

October 7, Postsecondary Education Policy and Budget Committee,  
Room 104, 8 a.m.

October 14, Columbus Day observed, holiday

### **NOVEMBER**

November 5, Election Day, holiday

November 7 and 8, Committee on Public Employee Retirement  
Systems, Room 104, 8 a.m.

November 28, Thanksgiving, holiday



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